

SECOND AMENDED

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 21 2004
Returned to applicant for correction MAY 21 2004
Corrected application filed AUG 06 2004
Map filed MAY 21 2003 under 69814-T

The applicant **Richard H. Holbrook, Jr.**, hereby make application for permission to change the **Point of Diversion, Place and Manner of Use of a Portion** of water heretofore appropriated under **Permit No. 30992 - Certificate No. 9832**

1. The source of water is **Underground**
2. The amount of water to be changed **0.503 cfs not to exceed 100 acre-feet annually**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **Within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T14N, R25E, M.D.M. or at a point from which the W $\frac{1}{4}$ corner of said Section 25 bears N 89°02'09"W, a distance of 1730.53 feet. Refer to supporting map filed under Permit No. 70229.**
6. The existing permitted point of diversion is located within **NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T12N, R26E, M.D.M. or at a point from which the NE $\frac{1}{4}$ corner of said Section 6 bears N 49°13'00"E, a distance of 1911.24 feet. Refer to supporting map filed under Permit No. 30992 - (Certificate No. 9832).**
7. Proposed place of use **SW $\frac{1}{4}$. W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$. W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25 and NW $\frac{1}{4}$ NW $\frac{1}{4}$. NE $\frac{1}{4}$ NW $\frac{1}{4}$. W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36. T14N, R25E, M.D.M. Refer to supporting map filed under Permit No. 70229.**
8. Existing place of use **Easterly 25.0 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T12N, R26E, M.D.M. from the Existing Place of Use. Refer to the attached supporting map showing the area to be stripped and refer to Permit No. 30992 (Certificate No. 9832) for the Existing Place of Use.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to November 30** of each year.
11. Description of proposed works. **Existing**
12. Estimated cost of works **Existing**
13. Estimated time required to construct works **Existing**
14. Estimated time required to complete the application of water to beneficial use **Five 5 Years**

15. Remarks: **See Attachment**

s/Suzan L. Ferguson
By **SUZAN L. FERGUSON - AGENT**
SUMMIT ENGINEERING - 5405 MAE ANNE AVE.
RENO, NEVADA 89523

Compared lt/ gkl lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 30992, Certificate 9832, is issued subject to the terms and conditions imposed in said Permit 30992, Certificate 9832 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 70229, 70230 and 71092 shall not exceed 300.5 acre-feet yearly, for the irrigation of 75.125 acres within the place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5046 cubic feet per second, OR 100 acre-feet per season, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 22, 2006

Proof of completion of work shall be filed on or before:

May 22, 2006

Water must be placed to beneficial use on or before:

April 22, 2009

Proof of the application of water to beneficial use shall be filed on or before:

May 22, 2009

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 22nd day of December A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A

Certificate No. _____ Issued _____

71092

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(ATTACHMENT)

15. The water under this application to change is to be developed from the same well, and has the same place of use as do Permits 70229 and 70230. It is the intention of the real property owner, the real property owner being Lewis A. Ewert, trustee of the Ewert Family 1995 Trust, to utilize this water to irrigate the lands set forth on the 300 acres of real property, depicted on the supporting map. The approximately 300 acres is fully covered by Decree Walker River water rights. It is the intention of applicant that these water rights shall not lose their status as non supplemental rights. The applicant does fully understand that the duty of 4.0 acre feet per acre will not be exceeded.

The applicant has previously installed a continuous flow metering device to ensure that the annual volume is not exceeded. Correspondence are requested to be sent to the following:

Lewis A. Ewert
P.O. Box 20910
Reno, NV 89515-0190

Marvin Murphy
Lyle & Murphy, LLP
3740 Lakeside Drive, Suite 200
Reno, NV 89509

Dennis Brazzanovich
Summit Engineering
5405 Mae Anne Avenue
Reno, NV 89523

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P.O. Box 2790
Reno, NV 89505